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81ST CONGRESS
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H. R. 4754

IN THE SENATE OF THE UNITED STATES

JUNE 9 (legislative day, JUNE 2), 1949

Read twice and ordered to be placed on the calendar

AN ACT

To simplify the procurement, utilization, and disposal of Government property, to reorganize certain agencies of the Government, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 SHORT TITLE

4 That this Act may be cited as the "Federal Property
5 and Administrative Services Act of 1949".

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1 sonal property and nonpersonal services, including related
2 functions such as contracting, inspection, storage, issue,
3 specifications, property identification and classification,
4 transportation and traffic management, management of
5 public utility services, repairing and converting, establish-
6 ment of inventory levels, establishment of forms and pro-
7 cedures, and representation before Federal and State regu-
8 latory bodies; (b) the utilization of available property;
9 (c) the disposal of surplus property; and (d) records
10 management.

11 **DEFINITIONS**

12 **SEC. 3.** As used in this Act—

13 (a) The term “executive agency” means any executive
14 department or independent establishment in the executive
15 branch of the Government, including any wholly owned
16 Government corporation.

17 (b) The term “Federal agency” means any executive
18 agency or any establishment in the legislative or judicial
19 branch of the Government.

20 (c) The term “Administrator” means the Administrator
21 of General Services provided for in title I hereof.

22 (d) The term “property” means any interest in prop-
23 erty of any kind except (1) the public domain and lands
24 reserved or dedicated for national forest or national park
25 purposes; and (2) naval vessels of the following cate-

1 gories: Battleships, cruisers, aircraft carriers, destroyers, and
2 submarines.

3 (e) The term "excess property" means any property
4 under the control of any Federal agency which is not required
5 for its needs and the discharge of its responsibilities, as
6 determined by the head thereof.

7 (f) The term "foreign excess property" means any
8 excess property located outside the continental United
9 States, Hawaii, Alaska, Puerto Rico, and the Virgin
10 Islands.

11 (g) The term "surplus property" means any excess
12 property not required for the needs and the discharge of
13 the responsibilities of any Federal agency, as determined
14 by the Administrator.

15 (h) The term "care and handling" includes complet-
16 ing, repairing, converting, rehabilitating, operating, pre-
17 serving, protecting, insuring, packing, storing, handling,
18 conserving, and transporting excess and surplus property,
19 and, in the case of property which is dangerous to public
20 health or safety, destroying or rendering innocuous such
21 property.

22 (i) The term "person" includes any corporation, part-
23 nership, firm, association, trust, estate, or other entity.

24 (j) The term "nonpersonal services" means such con-

1 tractual services, other than personal and professional
2 services, as the Administrator shall designate.

3 (k) The term "contractor inventory" means (1)
4 any property acquired by and in the possession of a con-
5 tractor or subcontractor under a contract pursuant to the
6 terms of which title is vested in the Government, and in
7 excess of the amounts needed to complete full performance
8 under the entire contract; and (2) any property which
9 the Government is obligated to take over under any type
10 of contract as a result either of any changes in the speci-
11 fications or plans thereunder or of the termination of such
12 contract (or subcontract thereunder), prior to completion
13 of the work, for the convenience or at the option of the
14 Government.

15 TITLE I—ORGANIZATION

16 GENERAL SERVICES ADMINISTRATION

17 SEC. 101. (a) There is hereby established an agency
18 in the executive branch of the Government which shall be
19 known as the General Services Administration.

20 (b) There shall be at the head of the General Services
21 Administration an Administrator of General Services who
22 shall be appointed by the President by and with the advice
23 and consent of the Senate and perform his functions subject
24 to the direction and control of the President.

1 (c) There shall be in the General Services Administra-
2 tion a Deputy Administrator of General Services who shall
3 be appointed by the Administrator of General Services.
4 The Deputy Administrator shall perform such functions as
5 the Administrator shall designate and shall be Acting
6 Administrator of General Services during the absence or
7 disability of the Administrator and, unless the President shall
8 designate another officer of the Government, in the event of
9 a vacancy in the office of Administrator.

10 (d) Pending the first appointment of the Adminis-
11 trator under the provisions of this section the President may
12 designate the Federal Works Administrator in office immedi-
13 ately prior to the taking effect of the provisions of this Act
14 to perform temporarily the functions of the Administrator
15 of General Services; and such designee, while serving in
16 this capacity under this subsection shall receive the com-
17 pensation of the Administrator of General Services.

18 TRANSFER OF BUREAU OF FEDERAL SUPPLY

19 SEC. 102. (a) The Bureau of Federal Supply in the
20 Department of the Treasury and its functions, records, prop-
21 erty, personnel, obligations, and commitments, are hereby
22 transferred from the Department of the Treasury to the
23 General Services Administration, together with such addi-
24 tional records, property, and personnel of the Department of
25 the Treasury as the Director of the Bureau of the Budget shall

1 determine to relate primarily to functions transferred by this
2 section or vested in the Administrator by titles II, III, and
3 V of this Act. There shall be at the head of the Bureau of
4 Federal Supply a Commissioner of Federal Supply, who
5 shall be appointed by the Administrator. The functions
6 of (1) the Director of the Bureau of Federal Supply, (2)
7 the personnel of such Bureau, and (3) the Secretary
8 of the Treasury, relating to the Bureau of Federal Supply, are
9 hereby transferred to the Administrator.

10 (b) The functions of the Director of Contract Settle-
11 ment and of the Office of Contract Settlement, transferred
12 to the Secretary of the Treasury by Reorganization Plan
13 Numbered 1 of 1947, are transferred to the Administrator
14 and shall be performed by him or, subject to his direction
15 and control, by such officers and agencies of the General
16 Services Administration as he may designate. The Con-
17 tract Settlement Act Advisory Board created by section 5
18 of the Contract Settlement Act of 1944 (58 Stat. 649)
19 and the Appeal Board established under section 13 (d) of
20 that Act are transferred from the Department of the Treasury
21 to the General Services Administration, but the functions of
22 these Boards shall be performed by them, respectively, under
23 conditions and limitations prescribed by law. There shall
24 also be transferred to the General Services Administration
25 such records, property, personnel, obligations, commitments,

1 and unexpended balances (available or to be made available)
2 of appropriations, allocations, and other funds of the Treas-
3 ury Department as the Director of the Bureau of the Budget
4 shall determine to relate primarily to the functions trans-
5 ferred by the provisions of this subsection.

6 (c) Any other provision of this section notwithstanding
7 there may be retained in the Department of the Treasury
8 any function referred to in subsection (a) of this section
9 which the Director of the Bureau of the Budget shall, within
10 ten days after the effective date of this Act, determine to be
11 essential to the orderly administration of the affairs of the
12 agencies of such Department, other than the Bureau of Fed-
13 eral Supply, together with such records, property, personnel,
14 obligations, commitments, and unexpended balances of ap-
15 propriations, allocations, and other funds, available or to be
16 made available, of said Department, as said Director shall
17 determine.

18 TRANSFER OF AFFAIRS OF THE FEDERAL WORKS AGENCY

19 SEC. 103. (a) There are hereby transferred to the
20 General Services Administration (1) the Public Buildings
21 Administration, which shall hereafter be known as the
22 Bureau of Public Buildings, and its functions, records, prop-
23 erty, personnel, obligations, and commitments; (2) the Pub-
24 lic Roads Administration, which shall hereafter be known
25 as the Bureau of Public Roads, and its functions, records,

1 property, personnel, obligations, and commitments; and
2 (3) all other functions, records, property, personnel, obliga-
3 tions, and commitments of the Federal Works Agency;
4 (4) all functions of the Federal Works Administrator and
5 all functions of the Commissioner of Public Buildings and
6 the Commissioner of Public Roads are hereby transferred
7 to the Administrator of General Services.

8 (b) There are hereby abolished the Federal Works
9 Agency, the office of Federal Works Administrator, and the
10 office of Assistant Federal Works Administrator.

11 (c) Without regard to the provisions of section 103 (b) ,
12 the President may continue, for such duration as he shall
13 determine, as a constituent agency of the General Services
14 Administration, the heretofore existing Bureau of Community
15 Facilities of the Federal Works Agency.

16 RECORDS MANAGEMENT: TRANSFER OF THE NATIONAL
17 ARCHIVES

18 SEC. 104. (a) The National Archives Establishment
19 and its functions, records, property, personnel, obligations,
20 and commitments are hereby transferred to the General Serv-
21 ices Administration. There are transferred to the Adminis-
22 trator (1) the functions of the Archivist of the United States,
23 except his functions under the Act of July 7, 1943 (57 Stat.
24 380, as amended), which excepted functions shall be per-

1 formed by the Archivist subject to the direction and control
2 of the Administrator, and except that the Archivist shall
3 continue to be a member or chairman, as the case may be,
4 of the bodies referred to in subsection (b) of this section,
5 and (2) the functions of the Director of the Division of the
6 Federal Register of the National Archives Establishment.

7 The Archivist of the United States shall hereafter be ap-
8 pointed by the Administrator.

9 (b) There are also transferred to the General Services
10 Administration the following bodies, together with their
11 respective functions and such funds as are derived from
12 Federal sources: (1) The National Archives Council and
13 the National Historical Publications Commission, established
14 by the Act of June 19, 1934 (48 Stat. 1122), (2) the
15 National Archives Trust Fund Board, established by the
16 Act of July 9, 1941 (55 Stat. 581), (3) the Board of
17 Trustees of the Franklin D. Roosevelt Library, established
18 by the Joint Resolution of July 18, 1939 (53 Stat. 1062),
19 and (4) the Administrative Committee established by sec-
20 tion 6 of the Act of July 26, 1935 (49 Stat. 501), which
21 shall hereafter be known as the Administrative Committee
22 of the Federal Register. The authority of the Adminis-
23 trator under section 106 hereof shall not extend to the
24 bodies or functions affected by this subsection.

1 TRANSFER FOR LIQUIDATION OF THE AFFAIRS OF THE WAR

2 ASSETS ADMINISTRATION

3 SEC. 105. The functions, records, property, personnel,
4 obligations, and commitments of the War Assets Admin-
5 istration are hereby transferred to the General Services
6 Administration. The functions of the War Assets Admin-
7 istrator are hereby transferred to the Administrator of
8 General Services. The War Assets Administration, the
9 office of the War Assets Administrator, and the office
10 of Associate War Assets Administrator are hereby abolished.
11 Personnel now holding appointments granted under the
12 second sentence of section 5 (b) of the Surplus Property
13 Act of 1944, as amended, may be continued in such posi-
14 tions or may be appointed to similar positions for such time
15 as the Administrator may determine.

16 REDISTRIBUTION OF FUNCTIONS

17 SEC. 106. The Administrator is hereby authorized, in
18 his discretion and from time to time, to regroup, transfer,
19 and distribute any functions within the General Services
20 Administration, in order to effectively accomplish such func-
21 tions. The Administrator is hereby authorized to transfer
22 the funds necessary to accomplish said functions and report
23 such transfers of funds to the Director of the Bureau of the
24 Budget.

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1 the Commissioner of Federal Supply, the Commissioner of
2 Public Buildings, the Archivist of the United States, and
3 the Commissioner of Public Roads, and with regard
4 to existing provisions of law governing such compensa-
5 tion, the President shall fix for each of them a rate of
6 compensation which he shall deem to be commensurate with
7 the responsibilities and duties of the respective offices
8 involved.

9 TITLE II—PROPERTY MANAGEMENT

10 PROCUREMENT, WAREHOUSING, AND RELATED ACTIVITIES

11 SEC. 201. (a) The Administrator shall, in respect of
12 executive agencies, and to the extent that he determines
13 that so doing is advantageous to the Government in terms
14 of economy, efficiency, or service, and with due regard to
15 the program activities of the agencies concerned—

16 (1) prescribe policies and methods of procurement
17 and supply of personal property and nonpersonal serv-
18 ices, including related functions such as contracting,
19 inspection, storage, issue, property identification and
20 classification, transportation and traffic management,
21 management of public utility services, repairing and
22 converting; and

23 (2) operate, and, after consultation with the execu-
24 tive agencies affected, consolidate, take over, or arrange
25 for the operation by any executive agency of ware-

1 houses, supply centers, repair shops, fuel yards, and
2 other similar facilities; and

3 (3) procure and supply personal property and
4 nonpersonal services for the use of executive agencies
5 in the proper discharge of their responsibilities, and
6 perform functions related to procurement and supply
7 such as those mentioned above in subparagraph (1); and

8 (4) with respect to transportation and other
9 public utility services for the use of executive agencies,
10 represent such agencies in negotiations with carriers
11 and other public utilities and in proceedings involving
12 carriers or other public utilities before Federal and State
13 regulatory bodies;

14 *Provided*, That the Secretary of Defense may from time
15 to time, and unless the President shall otherwise direct,
16 exempt the National Military Establishment from action
17 taken or which may be taken by the Administrator under
18 clauses (1), (2), (3), and (4) above whenever he deter-
19 mines such exemption to be in the best interests of national
20 security.

21 (b) The Administrator shall as far as practicable pro-
22 vide any of the services specified in subsection (a) of this
23 section to any other Federal agency, mixed ownership cor-
24 poration (as defined in the Government Corporation Control
25 Act), or the District of Columbia, upon its request.

1 (c) In acquiring personal property, any executive
2 agency, under regulations to be prescribed by the Admin-
3 istrator, may exchange or sell similar items, and may apply
4 the exchange allowance or proceeds of sale in such cases in
5 whole or in part payment for the property acquired: *Pro-*
6 *vided*, That any transaction carried out under the authority
7 of this subsection shall be evidenced in writing.

8 (d) Section 3709 of the Revised Statutes, as amended
9 (41 U. S. C. 5), is hereby further amended by striking out
10 the figures "\$100" wherever they appear and inserting in
11 lieu thereof the figures "\$500".

12 (e) Section 2 of the Act of February 27, 1929
13 (ch. 354, 45 Stat. 1342; 41 U. S. C. (7b)), is
14 hereby amended to read as follows: "Each executive
15 department and independent establishment shall furnish
16 from time to time, when called on to do so, estimates
17 of its requirements for inclusion in purchases which
18 it is proposed to have made by the Administrator of General
19 Services, and there shall be reserved from proper appropria-
20 tions sufficient amounts in each case to reimburse the general
21 supply fund hereinafter created. The Administrator of
22 General Services shall charge the estimated cost of supplies,
23 and bill the same to each requisitioning department and inde-
24 pendent establishment; and each such requisitioning depart-
25 ment and establishment shall reimburse said general supply

1 fund out of its appropriation upon proper vouchers. Other
2 expenses such as, breakage, shrinkage, inspection, and han-
3 dling by the General Services Administration shall be charged
4 to funds appropriated to cover such expense."

5
6 PROPERTY UTILIZATION

7 SEC. 202. (a) In order to minimize expenditures for
8 property, the Administrator shall prescribe policies and
9 methods to promote the maximum utilization of excess prop-
10 erty by executive agencies, and he shall provide for the
11 transfer of excess property among Federal agencies.

12 (b) Each executive agency shall (1) maintain ade-
13 quate inventory controls and accountability systems for the
14 property under its control, (2) continuously survey prop-
15 erty under its control to determine which is excess property,
16 and promptly report such property to the Administrator,
17 (3) perform the care and handling of such excess property,
18 and (4) transfer or dispose of such property as promptly
19 as possible in accordance with authority delegated and
20 regulations prescribed by the Administrator.

21 (c) Each executive agency shall, as far as practicable,
22 (1) make reassignments of property among activities within
23 the agency when such property is determined to be no longer
24 required for the purposes of the appropriation from which
it was purchased, (2) transfer excess property under its

1 control to other Federal agencies, and (3) obtain excess
2 property from other Federal agencies.

3 (d) Under existing provisions of law and procedures
4 defined by the Secretary of Defense, and without regard to
5 the requirements of this section except subsection (f) ex-
6 cess property of one of the departments of the National Mili-
7 tary Establishment may be transferred to another depart-
8 ment thereof.

9 (e) Transfers of excess property between Federal agen-
10 cies (except transfers for redistribution to other Federal
11 agencies or for disposal as surplus property) shall be at the
12 fair value thereof, as determined by, or pursuant to regula-
13 tions of, the Administrator, unless such transfer is other-
14 wise authorized by any law approved subsequent to June
15 21, 1944, to be without reimbursement or transfer of funds.

16 (f) The Director of the Bureau of the Budget shall
17 prescribe regulations providing for the reporting to said
18 Director by executive agencies of such reassignments or
19 transfers of property between activities financed by different
20 appropriations as he shall deem appropriate, and the re-
21 assignments and transfers so reported shall be reported to
22 the Congress in the annual budget or otherwise as said
23 Director may determine.

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1 (g) Whenever the Administrator determines that the
2 temporary assignment or reassignment of any space in excess
3 real property to any Federal agency for office, storage, or
4 related facilities would be more advantageous than the
5 permanent transfer of such property, he may make such
6 assignment or reassignment for such period of time as he
7 shall determine and obtain, in the absence of appropriation
8 available to him therefor, appropriate reimbursement from
9 the using agency for the expense of maintaining such space.

10 (h) The Administrator may authorize the abandonment,
11 destruction, or donation to public bodies of property which
12 has no commercial value or of which the estimated cost
13 of continued care and handling would exceed the estimated
14 proceeds from its sale.

15 DISPOSAL OF SURPLUS PROPERTY

16 SEC. 203. (a) Except as otherwise provided in this
17 section, the Administrator shall have supervision and direc-
18 tion over the disposition of surplus property. Such property
19 shall be disposed of to such extent, at such time, in such
20 areas, by such agencies, at such terms and conditions, and in
21 such manner, as may be prescribed in or pursuant to this Act.

22 (b) The care and handling of surplus property, pending
23 its disposition, and the disposal of surplus property, may
24 be performed by the General Services Administration or,
25 when so determined by the Administrator, by the executive

1 agency in possession thereof or by any other executive
2 agency consenting thereto.

3 (c) Any executive agency designated or authorized
4 by the Administrator to dispose of surplus property may do
5 so by sale, exchange, lease, permit, or transfer, for cash,
6 credit, or other property, with or without warranty,
7 and upon such other terms and conditions as the
8 Administrator deems proper, and it may execute such docu-
9 ments for the transfer of title or other interest in property
10 and take such other action as it deems necessary or proper
11 to dispose of such property under the provisions of this title.

12 (d) A deed, bill of sale, lease, or other instrument
13 executed by or on behalf of any executive agency purporting
14 to transfer title or any other interest in surplus property
15 under this title shall be conclusive evidence of compliance
16 with the provisions of this title insofar as concerns title or
17 other interest of any bona fide grantee or transferee for value
18 and without notice of lack of such compliance.

19 (e) Unless the Administrator shall determine that dis-
20 posal by advertising will in a given case better protect the
21 public interest, surplus property disposals may be made with-
22 out regard to any provision of existing law for advertising
23 until 12 o'clock noon, eastern standard time, December 31,
24 1949.

25 (f) Subject to regulations of the Administrator, any

1 executive agency may authorize any contractor with such
2 agency or subcontractor thereunder to retain or dispose of
3 any contractor inventory.

4 (g) The Administrator, in formulating policies with
5 respect to the disposal of surplus agricultural commodities,
6 surplus foods processed from agricultural commodities, and
7 surplus cotton or woolen goods, shall consult with the Sec-
8 retary of Agriculture. Such policies shall be so formulated
9 as to prevent surplus agricultural commodities, or surplus
10 food processed from agricultural commodities, from being
11 dumped on the market in a disorderly manner and dis-
12 rupting the market prices for agricultural commodities.

13 (h) Whenever the Secretary of Agriculture determines
14 such action to be required to assist him in carrying out his
15 responsibilities with respect to price support or stabilization,
16 the Administrator shall transfer without charge to the De-
17 partment of Agriculture any surplus agricultural commod-
18 ities, foods, or cotton or woolen goods to be disposed of.
19 Receipts resulting from disposal by the Department of
20 Agriculture under this subsection shall be deposited pursuant
21 to any authority available to the Secretary of Agriculture,
22 except that net proceeds of any sale of surplus property
23 so transferred shall be credited pursuant to section 204 (b),
24 when applicable. Surplus farm commodities so transferred
25 shall not be sold, other than for export, in quantities in

1 excess of, or at prices less than, those applicable with respect
2 to sales of such commodities by the Commodity Credit
3 Corporation.

4 (i) The United States Maritime Commission shall dis-
5 pose of surplus vessels of one thousand five hundred gross
6 tons or more which the Commission determines to be mer-
7 chant vessels or capable of conversion to merchant use, and
8 such vessels shall be disposed of only in accordance with the
9 provisions of the Merchant Marine Act, 1936, as amended,
10 and other laws authorizing the sale of such vessels.

11 (j) (1) Under such regulations as he may prescribe,
12 the Administrator is authorized in his discretion to donate
13 for educational purposes in the States, Territories, and
14 possessions without cost (except for costs of care and
15 handling) such equipment, materials, books, or other sup-
16 plies under the control of any executive agency as shall have
17 been determined to be surplus property and which shall have
18 been determined under paragraph 2 or paragraph 3 of this
19 subsection to be usable and necessary for educational
20 purposes.

21 (2) Determination whether such surplus property (ex-
22 cept surplus property donated in conformity with paragraph
23 3 of this subsection) is usable and necessary for educational
24 purposes shall be made by the Federal Security Adminis-
25 trator, who shall allocate such property on the basis of needs

1 and utilization for transfer by the Administrator of General
2 Services to tax-supported school systems, schools, colleges,
3 and universities, and to other nonprofit schools, colleges, and
4 universities which have been held exempt from taxation under
5 section 101 (6) of the Internal Revenue Code, or to State
6 departments of education for distribution to such tax-sup-
7 ported and nonprofit school systems, schools, colleges,
8 and universities; except that in any State where another
9 agency is designated by State law for such purpose such
10 transfer shall be made to said agency for such distribution
11 within the State.

12 (3) In the case of surplus property under the control of
13 the National Military Establishment, the Secretary of De-
14 fense shall determine whether such property is usable and
15 necessary for educational activities that are of special in-
16 terest to the armed services, such as maritime academies
17 or military, naval, Air Force, or Coast Guard preparatory
18 schools. If such Secretary shall determine that such prop-
19 erty is usable and necessary for such purposes, he shall
20 allocate it for transfer by the Administrator to such educa-
21 tional activities. If he shall determine that such property
22 is not usable and necessary for such purposes, it may be
23 disposed of in accordance with paragraph 2 of this subsection.

24 (k) (1) Under such regulations as he may prescribe,
25 the Administrator is authorized, in his discretion, to assign

1 to the Federal Security Administrator for disposal such
2 surplus real property, including buildings, fixtures, and
3 equipment situated thereon; as is recommended by the
4 Federal Security Administrator as being needed for school,
5 classroom, or other educational use, or for use in the pro-
6 tection of public health, including research.

7 (A) Subject to the disapproval of the Administrator
8 within thirty days after notice to him by the Federal
9 Security Administrator of a proposed transfer of property
10 for school, classroom, or other educational use, the
11 Federal Security Administrator, through such officers or
12 employees of the Federal Security Agency as he may
13 designate, may sell or lease such real property, including
14 buildings, fixtures, and equipment situated thereon, for
15 educational purposes to the States and their political sub-
16 divisions and instrumentalities, and tax-supported educa-
17 tional institutions, and to other nonprofit educational
18 institutions which have been held exempt from taxation
19 under section 101 (6) of the Internal Revenue Code.

20 (B) Subject to the disapproval of the Administrator
21 within thirty days after notice to him by the Federal
22 Security Administrator of a proposed transfer of property
23 for public-health use, the Federal Security Administrator,
24 through such officers or employees of the Federal Se-
25 curity Agency as he may designate, may sell or lease

1 such real property for public-health purposes, including
2 research, to the States and their political subdivisions and
3 instrumentalities, and to tax-supported medical institu-
4 tions, and to hospitals or other similar institutions not
5 operated for profit which have been held exempt from
6 taxation under section 101 (6) of the Internal Revenue
7 Code.

8 (C) In fixing the sale or lease value of property
9 to be disposed of under subparagraph (A) and sub-
10 paragraph (B) of this paragraph, the Federal Security
11 Administrator shall take into consideration any benefit
12 which has accrued or may accrue to the United States
13 from the use of such property by any such State, political
14 subdivision, instrumentality, or institution.

15 (D) "States" as used in this subsection includes
16 the District of Columbia and the Territories and posses-
17 sions of the United States.

18 (2) Subject to the disapproval of the Administrator
19 within thirty days after notice to him of any action to be
20 taken under this subsection—

21 (A) the Federal Security Administrator, through
22 such officers or employees of the Federal Security
23 Agency as he may designate, in the case of property
24 transferred pursuant to the Surplus Property Act of
25 1944, as amended, and pursuant to this Act, to States,

1 political subdivisions, and instrumentalities thereof, and
2 tax-supported and other nonprofit educational institu-
3 tions for school, classroom, or other educational use;

4 (B) the Federal Security Administrator, through
5 such officer or employees of the Federal Security Agency
6 as he may designate, in the case of property transferred
7 pursuant to the Surplus Property Act of 1944, as
8 amended, and pursuant to this Act, to States, political
9 subdivisions and instrumentalities thereof, tax-supported
10 medical institutions, and to hospitals and other similar
11 institutions not operated for profit, for use in the pro-
12 tection of public health (including research) ;

13 (C) the Secretary of the Interior, in the case of
14 property transferred pursuant to the Surplus Property
15 Act of 1944, as amended, and pursuant to this Act, to
16 States, political subdivisions, and instrumentalities
17 thereof, and municipalities for use as a public park,
18 public recreational area, or historic monument for the
19 benefit of the public; or

20 (D) the Secretary of Defense, in the case of prop-
21 erty transferred pursuant to the Surplus Property Act
22 of 1944, as amended, to States, political subdivisions,
23 and tax-supported instrumentalities thereof for use in

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1 the training and maintenance of civilian components of
2 the armed forces.

3 is authorized and directed—

4 (i) to determine and enforce compliance with the
5 terms, conditions, reservations, and restrictions contained
6 in any instrument by which such transfer was made;

7 (ii) to reform, correct, or amend any such instru-
8 ment by the execution of a corrective, reformatory, or
9 amendatory instrument where necessary to correct such
10 instrument or to conform such transfer to the require-
11 ments of applicable law; and

12 (iii) to (I) grant releases from any of the terms,
13 conditions, reservations, and restrictions contained in,
14 and (II) convey, quitclaim, or release to the transferee
15 or other eligible user any right or interest reserved to
16 the United States by, any instrument by which such
17 transfer was made, if he determines that the property
18 so transferred no longer serves the purpose for which it
19 was transferred, and that such release, conveyance, or
20 quitclaim deed will not prevent accomplishment of the
21 purpose for which such property was so transferred:
22 *Provided*, That any such release, conveyance, or quit-
23 claim deed may be granted on, or made subject to, such
24 terms and conditions as he shall deem necessary to
25 protect or advance the interests of the United States.

1 (1) The Administrator is authorized to take possession
2 of abandoned and other unclaimed property on premises
3 owned or leased by the Government, to determine when
4 title thereto vested in the United States, and to utilize,
5 transfer or otherwise dispose of such property. Former
6 owners of such property upon proper claim filed within three
7 years from the date of vesting of title in the United States
8 shall be paid the proceeds realized from the disposition of
9 such property or, if the property is used or transferred, the
10 fair value therefor as of the time title was vested in the
11 United States as determined by the Administrator, less in
12 either case the costs incident to the care and handling of
13 such property as determined by the Administrator.

14 PROCEEDS FROM TRANSFER OR DISPOSITION OF PROPERTY

15 SEC. 204. (a) All proceeds under this title from any
16 transfer of excess property to a Federal agency for its use,
17 or from any sale, lease, or other disposition of surplus prop-
18 erty, shall be covered into the Treasury as miscellaneous
19 receipts, except as provided in subsections (b), (c), and
20 (d) of this section.

21 (b) Where the property transferred or disposed of was
22 acquired by the use of funds either not appropriated from
23 the general fund of the Treasury or appropriated therefrom
24 but by law reimbursable from assessment, tax, or other rev-
25 enue or receipts, then the net proceeds of the disposition or

1 transfer shall be credited to the reimbursable fund or ap-
2 propriation or paid to the Federal agency which determined
3 such property to be excess: *Provided*, That the proceeds
4 shall be credited to miscellaneous receipts in any case when
5 the agency which determined the property to be excess shall
6 deem it uneconomical or impractical to ascertain the amount
7 of net proceeds. As used in this subsection, the term "net
8 proceeds of the disposition or transfer" means the proceeds
9 of the disposition or transfer minus all expenses incurred
10 for care and handling and disposition or transfer.

11 (c) Any Federal agency disposing of surplus property
12 under this title (1) may deposit, in a special account with
13 the Treasurer of the United States, such amount of the
14 proceeds of such dispositions as it deems necessary to permit
15 appropriate refunds to purchasers when any disposition is
16 rescinded or does not become final, or payments for breach
17 of any warranty, and (2) may withdraw therefrom amounts
18 so to be refunded or paid, without regard to the origin of
19 the funds withdrawn.

20 (d) Where any contract entered into by an executive
21 agency or any subcontract under such contract authorizes
22 the proceeds of any sale of property in the custody of the
23 contractor or subcontractor to be credited to the price or
24 cost of the work covered by such contract or subcontract,

1 the proceeds of any such sale shall be credited in accordance
2 with the contract or subcontract.

3 (c) Where any mortgage, lien, or other interest as
4 security is retained in connection with any disposition of
5 surplus property under this title, the Administrator shall
6 preserve and manage such security and may enforce and
7 settle any right of the Government with respect thereto in
8 such manner and upon such terms as he deems in the best
9 interest of the Government.

10 POLICIES, REGULATIONS, AND DELEGATIONS

11 SEC. 205. (a) The President may prescribe such poli-
12 cies and directives, not inconsistent with the provisions of
13 this Act, as he shall deem necessary to effectuate the pro-
14 visions of this Act, which policies and directives shall govern
15 the Administrator and executive agencies in carrying out
16 their respective functions hereunder.

17 (b) The Comptroller General after considering the
18 needs and requirements of the executive agencies shall pre-
19 scribe principles and standards of accounting for property,
20 cooperate with the Administrator and with the executive
21 agencies in the development of property accounting systems
22 and approve such systems when deemed to be adequate and
23 in conformity with prescribed principles and standards.
24 From time to time the General Accounting Office shall

1 examine such property accounting systems as are estab-
2 lished by the executive agencies to determine the extent
3 of compliance with prescribed principles and standards and
4 approved systems, and the Comptroller General shall report
5 to the Congress any failure to comply with such principles
6 and standards or to adequately account for property.

7 (c) The Administrator shall prescribe such regulations
8 as he deems necessary to effectuate his functions under
9 this Act, and the head of each executive agency shall cause
10 to be issued such orders and directives as such head deems
11 necessary to carry out such regulations.

12 (d) The Administrator is authorized to delegate and to
13 authorize successive redelegation of any authority trans-
14 ferred to or vested in him by this Act (except for the au-
15 thority to issue regulations on matters of policy having
16 application to executive agencies, the authority contained
17 in section 106, and as otherwise provided in this Act) to
18 any official in the General Services Administration or to
19 the head of any other Federal agency.

20 (e) With respect to any function transferred to or
21 vested in the General Services Administration or the Admin-
22 istrator by this Act, the Administrator may (1) direct the
23 undertaking of its performance by the General Services Ad-
24 ministration or by any constituent organization therein which
25 he may designate or establish; or (2) designate and authorize

1 any executive agency to perform such function for itself; or
2 (3) designate and authorize any other executive agency to
3 perform such function; or (4) provide for such performance
4 by any combination of the foregoing methods. Any designa-
5 tion or assignment of functions or delegation of authority to
6 another executive agency under this section shall be made
7 only with the consent of the executive agency concerned,
8 or upon direction of the President.

9 (f) When any executive agency (including the
10 General Services Administration and constituent organiza-
11 tions thereof) is authorized and directed by the Administrator
12 to carry out any function under this Act, the Administrator
13 may, with the approval of the Director of the Bureau of the
14 Budget, provide for the transfer of appropriate personnel,
15 records, property, and allocated funds of the General Services
16 Administration, or of such other executive agency as has
17 theretofore carried out such function, to the executive agency
18 so authorized and directed.

19 (g) The Administrator may establish advisory
20 committees, to advise with him with respect to any
21 function transferred to or vested in the Administrator by
22 this Act. The members thereof shall serve without compen-
23 sation but shall be entitled to transportation and not to
24 exceed \$25 per diem in lieu of subsistence, as authorized

1 by section 5 of the Act of August 2, 1946 (5 U. S. C.
2 73b-2), for persons so serving.

3 (h) The Administrator shall advise and consult with
4 interested Federal agencies with a view to obtaining their
5 advice and assistance in carrying out the purposes of this
6 title.

7 SURVEYS, STANDARDIZATION AND CATALOGING

8 SEC. 206. (a) As he may deem necessary for the effec-
9 tuation of his functions under this title, and after adequate
10 advance notice to the executive agencies affected, and with
11 due regard to the requirements of the National Military
12 Establishment as determined by the Secretary of Defense, the
13 Administrator is authorized (1) to make surveys of Govern-
14 ment property and property management practices and obtain
15 reports thereon from executive agencies; (2) to cooperate
16 with executive agencies in the establishment of reasonable
17 inventory levels for property stocked by them and from time
18 to time report any excessive stocking to the Congress and
19 to the Director of the Bureau of the Budget; (3) to estab-
20 lish and maintain such uniform Federal supply catalog system
21 as may be appropriate to identify and classify personal prop-
22 erty under the control of Federal agencies: *Provided*, That
23 the Administrator and the Secretary of Defense shall co-
24 ordinate the cataloging activities of the General Services
25 Agency and the National Military Establishment so as

1 to avoid unnecessary duplication; and (4) to prescribe
2 standardized forms and procedures, except such as the Comp-
3 troller General is authorized by law to prescribe, and
4 standard purchase specifications.

5 (b) Each Federal agency shall utilize such uniform
6 Federal supply catalog system and standard purchase speci-
7 fications, except as the Administrator, taking into considera-
8 tion efficiency, economy, and other interests of the
9 Government, shall otherwise provide.

10 (c) The General Accounting Office shall audit all types
11 of property accounts and transactions at such times and in
12 such manner as determined by the Comptroller General.
13 Such audit shall be conducted as far as practicable at the
14 place or places where the property or records of the execu-
15 tive agencies are kept and shall include but not necessarily
16 be limited to an evaluation of the effectiveness of internal
17 controls and audits, and a general audit of the discharge of
18 accountability for Government-owned or controlled property
19 based upon generally accepted principles of auditing.

20 APPLICABILITY OF ANTITRUST LAWS

21 SEC. 207. Whenever any executive agency shall begin
22 negotiations for the disposition to private interests
23 of a plant or plants, or other property, which cost
24 the Government \$1,000,000 or more, or of patents,

1 processes, techniques, or inventions, irrespective of cost,
2 the executive agency shall promptly notify the Attorney
3 General of the proposed disposal and the probable terms
4 or conditions thereof. Within a reasonable time, in no
5 event to exceed ninety days after receiving such notifica-
6 tion, the Attorney General shall advise the Administrator
7 and the interested executive agency whether, insofar as he
8 can determine, the proposed disposition would tend to create
9 or maintain a situation inconsistent with the antitrust laws.
10 Upon the request of the Attorney General, the Adminis-
11 trator or interested executive agency shall furnish or cause
12 to be furnished such information as it may possess which
13 the Attorney General determines to be appropriate or neces-
14 sary to enable him to give the advice called for by this
15 section or to determine whether any other disposition or
16 proposed disposition of surplus property violates the antitrust
17 laws. Nothing in this Act shall impair, amend, or modify
18 the antitrust laws or limit and prevent their application to
19 persons who buy or otherwise acquire property under the
20 provisions of this Act. As used in this section, the term
21 "antitrust laws" includes the Act of July 2, 1890 (ch. 647,
22 26 Stat. 209), as amended; the Act of October 15, 1914
23 (ch. 323, 38 Stat. 730), as amended; the Federal Trade
24 Commission Act (38 Stat. 717), as amended; and sections

1 73 and 74 of the Act of August 27, 1894 (28 Stat. 570),
2 as amended.

3 EMPLOYMENT OF PERSONNEL

4 SEC. 208. (a) The Administrator is authorized, subject
5 to the civil-service and classifications laws, to appoint and fix
6 the compensation of such personnel as may be necessary
7 to carry out the provisions of titles I, II, III, and V of this
8 Act.

9 (b) To such extent as he finds necessary to carry out
10 the provisions of titles I, II, III, and V of this Act, the Ad-
11 ministrator is hereby authorized to procure the temporary
12 (not in excess of one year) or intermittent services of ex-
13 perts or consultants or organizations thereof, including steno-
14 graphic reporting services, by contract or appointment, and
15 in such cases such service shall be without regard to the
16 civil-service and classification laws, and, except in the case
17 of stenographic reporting services by organizations, without
18 regard to section 3709, Revised Statutes, as amended (41
19 U. S. C. 5).

20 (c) Notwithstanding the provisions of section 1222 of
21 the Revised Statutes (10 U. S. C. 576) or of any other
22 provision of law, the Administrator in carrying out the
23 functions imposed upon him by this Act is authorized to
24 utilize in his agency the services of officials, officers, and

1 other personnel in other executive agencies, including per-
2 sonnel of the armed services, with the consent of the head of
3 the agency concerned.

4 CIVIL REMEDIES AND PENALTIES

5 SEC. 209. (a) Where any property is transferred or
6 disposed of in accordance with this Act and any regulations
7 prescribed hereunder, no officer or employee of the Govern-
8 ment shall (1) be liable with respect to such transfer or
9 disposition except for his own fraud, or (2) be accountable
10 for the collection of any purchase price for such property
11 which is determined to be uncollectible by the Federal agency
12 responsible therefor.

13 (b) Every person who shall use or engage in, or cause
14 to be used or engaged in, or enter into an agreement, com-
15 bination, or conspiracy to use or engage in or to cause to
16 be used or engaged in, any fraudulent trick, scheme, or
17 device, for the purpose of securing or obtaining, or aiding to
18 secure or obtain, for any person any payment, property, or
19 other benefits from the United States or any Federal agency
20 in connection with the procurement, transfer, or disposition
21 of property hereunder—

22 (1) shall pay to the United States the sum of
23 \$2,000 for each such act, and double the amount of any
24 damage which the United States may have sustained by
25 reason thereof, together with the cost of suit; or

1 (2) shall, if the United States shall so elect, pay
2 to the United States, as liquidated damages, a sum equal
3 to twice the consideration agreed to be given by the
4 United States or any Federal agency to such person or
5 by such person to the United States or any Federal
6 agency, as the case may be; or

7 (3) shall, if the United States shall so elect, re-
8 store to the United States the money or property thus
9 secured and obtained and the United States shall retain
10 as liquidated damages any property, money, or other
11 consideration given to the United States or any Federal
12 agency for such money or property, as the case may be.

13 (c) The several district courts of the United States,
14 the District Court of the United States for the District of
15 Columbia, and the several district courts of the Territories
16 and possessions of the United States, within whose jurisdic-
17 tional limits the person, or persons, doing or committing such
18 act, or any one of them, resides or shall be found, shall where-
19 soever such act may have been done or committed, have
20 full power and jurisdiction to hear, try, and determine such
21 suit, and such person or persons as are not inhabitants of
22 or found within the district in which suit is brought may
23 be brought in by order of the court to be served personally
24 or by publication or in such other reasonable manner as the
25 court may direct.

1 (d) The civil remedies provided in this section shall
2 be in addition to all other criminal penalties and civil
3 remedies provided by law.

4 REPORTS TO CONGRESS

5 SEC. 210. The Administrator shall submit a report to
6 the Congress, in January of each year and at such other
7 times as he may deem it desirable, regarding the adminis-
8 tration of his functions under this Act, together with such
9 recommendations for amendments to this Act as he may
10 deem appropriate as the result of the administration of such
11 functions, at which time he shall also cite the laws becom-
12 ing obsolete by reason of passage or operation of the pro-
13 visions of this Act.

14 TITLE III—PROCUREMENT PROCEDURE

15 DECLARATION OF PURPOSE

16 SEC. 301. The purpose of this title is to facilitate the
17 procurement of supplies and services.

18 APPLICATION AND PROCUREMENT METHODS

19 SEC. 302. (a) The provisions of this title shall be ap-
20 plicable to purchases and contracts for supplies or services
21 made—

22 (1) by the General Services Administration for the
23 use of such agency or otherwise; and

24 (2) by any other executive agency (except any
25 agency named in section 2 (a) of the Armed Services

1 Procurement Act of 1947), to the extent of and in con-
2 formity with authority delegated by the Administrator
3 pursuant to the provisions of this subsection.

4 The Administrator may delegate to the head of any other
5 such agency authority to make purchases and contracts for
6 supplies or services pursuant to the provisions of this title
7 (A) for the use of two or more executive agencies or (B)
8 in other cases upon a determination by the Administrator
9 that by reason of circumstances set forth in such determina-
10 tion such delegation is advantageous to the Government in
11 terms of economy, efficiency, or national security. Notice
12 of every such delegation of authority so made shall be fur-
13 nished to the General Accounting Office.

14 (b) It is the declared policy of the Congress that a fair
15 proportion of the total purchases and contracts for supplies
16 and services for the Government shall be placed with small-
17 business concerns. Whenever it is proposed to make a
18 contract or purchase in excess of \$10,000 by negotiation
19 and without advertising, pursuant to the authority of para-
20 graph (7) or (8) of section 302 (c) of this title, suitable
21 advance publicity, as determined by the agency head with
22 due regard to the type of supplies involved and other rel-
23 evant considerations, shall be given for a period of at least
24 fifteen days, wherever practicable, as determined by the
25 agency head.

1 (c) All purchases and contracts for supplies and serv-
2 ices shall be made by advertising, as provided in section 303,
3 except that such purchases and contracts may be negotiated
4 by the agency head without advertising if—

5 (1) determined to be necessary in the public
6 interest during the period of a national emergency
7 declared by the President or by the Congress;

8 (2) the public exigency will not admit of the delay
9 incident to advertising;

10 (3) the aggregate amount involved does not exceed
11 \$1,000: *Provided*, That no agency other than the
12 General Services Administration shall make any pur-
13 chase of, or contract for, supplies or services in excess
14 of \$500 under this paragraph except in the exercise of
15 authority conferred by the Administrator to procure and
16 furnish supplies and services for the use of two or more
17 executive agencies;

18 (4) for personal or professional services;

19 (5) for any service to be rendered by any univer-
20 sity, college, or other educational institution;

21 (6) the supplies or services are to be procured and
22 used outside the limits of the United States and its
23 possessions;

24 (7) for medicines or medical supplies;

25 (8) for supplies purchased for authorized resale;

1 (9) for supplies or services for which it is imprac-
2 ticable to secure competition;

3 (10) the agency head determines that the purchase
4 or contract is for experimental, developmental, or re-
5 search work, or for the manufacture or furnishing of
6 supplies for experimentation, development, research, or
7 test: *Provided*, That beginning six months after the
8 effective date of this title and at the end of each six-
9 month period thereafter, there shall be furnished to the
10 Congress a report setting forth the name of each con-
11 tractor with whom a contract has been entered into
12 pursuant to this paragraph (10) since the date of the
13 last such report, the amount of the contract, and, with
14 due consideration given to the national security, a de-
15 scription of the work required to be performed
16 thereunder;

17 (11) for supplies or services as to which the agency
18 head determines that the character, ingredients, or com-
19 ponents thereof are such that the purchase or contract
20 should not be publicly disclosed;

21 (12) for equipment which the agency head deter-
22 mines to be technical equipment, and as to which he
23 determines that the procurement thereof without ad-
24 vertising is necessary in special situations or in particular
25 localities in order to assure standardization of equipment

1 and interchangeability of parts and that such standard-
2 ization and interchangeability is necessary in the public
3 interest;

4 (13) for supplies or services as to which the agency
5 head determines that bid prices after advertising there-
6 for are not reasonable (either as to all or as to some part
7 of the requirements) or have not been independently
8 arrived at in open competition: *Provided*, That no
9 negotiated purchase or contract may be entered into
10 under this paragraph after the rejection of all or some
11 of the bids received unless (A) notification of the inten-
12 tion to negotiate and reasonable opportunity to negotiate
13 shall have been given by the agency head to each re-
14 sponsible bidder and (B) the negotiated price is the
15 lowest negotiated price offered by any responsible
16 supplier; or

17 (14) otherwise authorized by law.

18 (d) If in the opinion of the agency head bids received
19 after advertising evidence any violation of the antitrust laws
20 he shall refer such bids to the Attorney General for appro-
21 priate action.

22 (e) This section shall not be construed to (A) authorize
23 the erection, repair, or furnishing of any public building or
24 public improvement, but such authorization shall be required
25 in the same manner as heretofore, or (B) permit any con-

1 tract for the construction or repair of buildings, roads, side-
2 walks, sewers, mains, or similar items to be negotiated with-
3 out advertising as required by section 303, unless such con-
4 tract is to be performed outside the continental United States
5 or unless negotiation of such contract is authorized by the
6 provisions of paragraph (1), (2), (3), (9), (10), (11),
7 or (13) of subsection (c) of this section.

8 ADVERTISING REQUIREMENTS

9 SEC. 303. Whenever advertising is required—

10 (a) The advertisement for bids shall be made a sufficient
11 time previous to the purchase or contract, and specifications
12 and invitations for bids shall permit such full and free com-
13 petition as is consistent with the procurement of types of
14 supplies and services necessary to meet the requirements of
15 the agency concerned.

16 (b) All bids shall be publicly opened at the time and
17 place stated in the advertisement. Award shall be made with
18 reasonable promptness by written notice to that responsible
19 bidder whose bid, conforming to the invitation for bids, will
20 be most advantageous to the Government, price and other
21 factors considered: *Provided*, That all bids may be rejected
22 when the agency head determines that it is in the public
23 interest so to do.

24 REQUIREMENTS OF NEGOTIATED CONTRACTS

25 SEC. 304. (a) Except as provided in subsection (b)

1 of this section, contracts negotiated pursuant to section 302
2 (c) may be of any type which in the opinion of the agency
3 head will promote the best interests of the Government.
4 Every contract negotiated pursuant to section 302 (c) shall
5 contain a suitable warranty, as determined by the agency
6 head, by the contractor that no person or selling agency
7 has been employed or retained to solicit or secure such
8 contract upon an agreement or understanding for a commis-
9 sion, percentage, brokerage, or contingent fee, excepting
10 bona fide employees or bona fide established commercial or
11 selling agencies maintained by the contractor for the pur-
12 pose of securing business, for the breach or violation of
13 which warranty the Government shall have the right to
14 annul such contract without liability or in its discretion to
15 deduct from the contract price or consideration the full
16 amount of such commission, percentage, brokerage, or
17 contingent fee.

18 (b) The cost-plus-a-percentage-of-cost system of con-
19 tracting shall not be used, and in the case of a cost-plus-a-
20 fixed-fee contract the fee shall not exceed 10 per centum
21 of the estimated cost of the contract, exclusive of the fee,
22 as determined by the agency head at the time of entering
23 into such contract (except that a fee not in excess of 15
24 per centum of such estimated cost is authorized in any
25 such contract for experimental, developmental, or research

1 work and that a fee inclusive of the contractor's costs and
2 not in excess of 6 per centum of the estimated cost, exclu-
3 sive of fees, as determined by the agency head at the time
4 of entering into the contract, of the project to which such
5 fee is applicable is authorized in contracts for architectural
6 or engineering services relating to any public works or
7 utility project). Neither a cost nor a cost-plus-a-fixed-fee
8 contract nor an incentive-type contract shall be used unless
9 the agency head determines that such method of contract-
10 ing is likely to be less costly than other methods or that
11 it is impractical to secure supplies or services of the kind
12 or quality required without the use of a cost or cost-plus-
13 a-fixed-fee contract or an incentive-type contract. All cost
14 and cost-plus-a-fixed-fee contracts shall provide for advance
15 notification by the contractor to the procuring agency of
16 any subcontract thereunder on a cost-plus-a-fixed-fee basis
17 and of any fixed-price subcontract or purchase order which
18 exceeds in dollar amount either \$25,000 or 5 per centum
19 of the total estimated cost of the prime contract; and a
20 procuring agency, through any authorized representative
21 thereof, shall have the right to inspect the plans and to audit
22 the books and records of any prime contractor or subcon-
23 tractor engaged in the performance of a cost or cost-plus-a-
24 fixed-fee contract.

2 SEC. 305. (a) The agency head may make advance
3 payments under negotiated contracts heretofore or hereafter
4 executed in any amount not exceeding the contract price
5 upon such terms as the parties shall agree: *Provided, That*
6 advance payments shall be made only upon adequate security
7 and if the agency head determines that provision for such
8 advance payments is in the public interest or in the interest
9 of the national defense and is necessary and appropriate in
10 order to procure required supplies or services under the
11 contract.

(b) The terms governing advance payments may include as security provision for, and upon inclusion of such provision there shall thereby be created, a lien in favor of the Government, upon the supplies contracted for, upon the credit balance in any special account in which such payments may be deposited and upon such of the material and other property acquired for performance of the contract as the parties shall agree.

21 SEC. 306. Whenever any contract made on behalf of
22 the Government by the agency head or by officers authorized
23 by him so to do includes a provision for liquidated damages
24 for delay, the Comptroller General on the recommendation
25 of the agency head is authorized and empowered to remit

1 the whole or any part of such damages as in his discretion
2 may be just and equitable.

3 ADMINISTRATIVE DETERMINATIONS AND DELEGATIONS

4 SEC. 307. (a) The determinations and decisions pro-
5 vided in this title to be made by the Administrator or other
6 agency head may be made with respect to individual pur-
7 chases and contracts or with respect to classes of purchases
8 or contracts, and shall be final. Except as provided in sub-
9 section (b) of this section, the agency head is authorized
10 to delegate his powers provided by this title, including the
11 making of such determinations and decisions, in his discre-
12 tion and subject to his direction, to any other officer or
13 officers or officials of the agency.

14 (b) The power of the agency head to make the deter-
15 minations or decisions specified in paragraphs (11) and
16 (12) of section 302 (c) and in section 305 (a) shall not
17 be delegable, and the power to make the determinations
18 or decisions specified in paragraph (10) of section 302 (c)
19 shall be delegable only to a chief officer responsible for
20 procurement and only with respect to contracts which will
21 not require the expenditure of more than \$25,000. The
22 power of the Administrator to make the delegations and
23 determinations specified in section 302 (a) shall be delegable
24 only to the Deputy Administrator of the General Services

1 Administration or to the chief official of any principal con-
2 stituent agency of the General Services Administration.

3 (c) Each determination or decision required by para-
4 graphs (10), (11), (12), or (13) of section 302 (c), by
5 section 304 or by section 305 (a) shall be based upon
6 written findings made by the official making such deter-
7 mination, which findings shall be final and shall be available
8 within the agency for a period of at least six years following
9 the date of the determination. A copy of the findings shall
10 be submitted to the General Accounting Office with the
11 contract.

12 (d) In any case where any purchase or contract is
13 negotiated pursuant to the provisions of section 302 (c),
14 except in a case covered by paragraphs (2), (3), (4),
15 (5), or (6) thereof, the data with respect to the negotiation
16 shall be preserved in the files of the agency for a period of
17 six years following final payment on such contract.

18 STATUTES CONTINUED IN EFFECT

19 SEC. 308. No purchase or contract shall be exempt
20 from the Act of June 30, 1936 (49 Stat. 2036, as amended;
21 41 U. S. C. 35 to 45), or from the Act of March 3, 1931
22 (46 Stat. 1494, as amended; 40 U. S. C. 276a to 276a-6),
23 solely by reason of having been entered into pursuant to sec-
24 tion 302 (c) hereof without advertising, and the provisions
25 of said Acts and of the Act of June 19, 1912 (37 Stat. 137,

1 as amended; 40 U. S. C. 324 and 325a), if otherwise
2 applicable, shall apply to such purchases and contracts.

3 DEFINITIONS

4 SEC. 309. As used in this title—

5 (a) The term “agency head” shall mean the head or
6 any assistant head of any executive agency, and may at the
7 option of the Administrator include the chief official of any
8 principal constituent agency of the General Services
9 Administration.

10 (b) The term “supplies” shall mean all property except
11 land, and shall include, by way of description and without
12 limitation, public works, buildings, facilities, ships, floating
13 equipment, and vessels of every character, type and descrip-
14 tion, aircraft, parts, accessories, equipment, machine tools
15 and alteration or installation thereof.

16 STATUTES NOT APPLICABLE

17 SEC. 310. The following provisions of law shall not
18 apply to the procurement of supplies or services (1) by
19 the General Services Administration, or (2) within the scope
20 of authority delegated by the Administrator to any other
21 executive agency:

22 Revised Statutes, section 3709, as amended (41 U. S. C.
23 5);

24 Revised Statutes, section 3735 (41 U. S. C. 13);

1 Sections 1 and 2 of the Act of October 10, 1940 (54
2 Stat. 1109, as amended; 41 U. S. C. 6 and 6a).

3 TITLE IV—FOREIGN EXCESS PROPERTY

4 DISPOSAL OF FOREIGN EXCESS PROPERTY

5 SEC. 401. Each executive agency having foreign excess
6 property shall be responsible for the disposal thereof: *Pro-*
7 *vided*, That (a) the head of each such executive agency
8 shall, with respect to the disposition of such property, con-
9 form to the foreign policy of the United States; (b) the
10 Secretary of State shall have the authority to use foreign
11 currencies and credits acquired by the United States under
12 section 402 (b) of this Act in order to effectuate the pur-
13 poses of section 32 (b) (2) of the Surplus Property Act
14 of 1944, as amended, and the Foreign Service Buildings
15 Act of May 7, 1926, as amended (including Public Law
16 547, Seventy-ninth Congress (60 Stat. 663)), and for
17 the purpose of paying any other governmental expenses pay-
18 able in local currencies, and the authority to amend, modify,
19 and renew agreements in effect on the effective date of
20 this Act; (c) any foreign currencies or credits acquired
21 by the Department of State pursuant to such agreements
22 shall be administered in accordance with procedures that
23 may from time to time be established by the Secretary of
24 the Treasury and, if and when reduced to United States
25 currency, shall be covered into the Treasury as miscellaneous

1 receipts; and (d) the Department of State shall, except to
2 such extent as the President shall otherwise determine, con-
3 tinue to perform other functions with respect to agreements
4 for the disposal of foreign excess property in effect on the
5 effective date of this Act.

6 METHODS AND TERMS OF DISPOSAL

7 SEC. 402. Foreign excess property may be disposed of
8 (a) by sale, exchange, lease, or transfer, for cash, credit,
9 or other property, with or without warranty and upon such
10 other terms and conditions as the head of the executive
11 agency concerned deems proper; but in no event shall any
12 agricultural commodity, food, or cotton or woolen goods be
13 sold without a condition forbidding their importation into
14 the United States, unless the Secretary of Agriculture deter-
15 mines that such property is in short supply in this country,
16 or (b) for foreign currencies or credits, or substantial bene-
17 fits or the discharge of claims resulting from the compromise
18 or settlement of such claims by any executive agency in
19 accordance with the law, whenever the head of the execu-
20 tive agency concerned determines that it is in the interest
21 of the United States to do so. Such property may be dis-
22 posed of without advertising when the head of the executive
23 agency concerned finds so doing to be most practicable and
24 to be advantageous to the Government. The head of each
25 executive agency responsible for the disposal of foreign

1 excess property may execute such documents for the transfer
2 of title or other interest in property and take such other
3 action as he deems necessary or proper to dispose of such
4 property; and may authorize the abandonment, destruction,
5 or donation of foreign excess property under his control
6 which has no commercial value or the estimated cost of
7 care and handling of which would exceed the estimated
8 proceeds from its sale.

9 PROCEEDS, FOREIGN CURRENCIES

10 SEC. 403. Proceeds from the sale, lease, or other dis-
11 position of foreign excess property, (a) shall, if in the
12 form of foreign currencies or credits, be administered in ac-
13 cordance with procedures that may from time to time be
14 established by the Secretary of the Treasury, and (b) shall,
15 if in United States currency, or when any proceeds in foreign
16 currencies or credits shall be reduced to United States cur-
17 rency, be covered into the Treasury as miscellaneous re-
18 ceipts: *Provided*, That the provisions of section 204 (b)
19 (which by their terms apply to property disposed of under
20 title II) shall be applicable to proceeds of foreign excess
21 property disposed of for United States currency under this
22 title IV: *And provided further*, That any executive
23 agency disposing of foreign excess property under this title
24 (1) may deposit, in a special account with the Treasurer of
25 the United States, such amount of the proceeds of such dis-

1 positions as it deems necessary to permit appropriate refunds
2 to purchasers when any disposition is rescinded or does not
3 become final, or payments for breach of any warranty, and
4 (2) may withdraw therefrom amounts so to be refunded or
5 paid, without regard to the origin of the funds withdrawn.

6 MISCELLANEOUS PROVISIONS

7 SEC. 404. (a) The President may prescribe such poli-
8 cies not inconsistent with the provisions of this title, as he
9 shall deem necessary to effectuate the provisions of this title,
10 which provisions shall guide each executive agency in carry-
11 ing out its functions hereunder.

12 (b) Any authority conferred upon any executive agency
13 or the head thereof by the provisions of this title may be
14 delegated, and successive redelegation thereof may be author-
15 ized, by such head to any official in such agency or to the
16 head of any other executive agency.

17 (c) The head of each executive agency responsible for
18 the disposal of foreign excess property hereunder may, as
19 may be necessary to carry out his functions under this
20 title, (1) subject to the civil-service and classification laws,
21 appoint and fix the compensation of personnel, and (2)
22 without regard to the civil-service and classification laws,
23 appoint and fix the compensation of personnel outside the
24 continental limits of the United States.

25 (d) Each executive agency responsible for the dis-

1 posal of foreign excess property under this title shall submit
2 a report to Congress in January of each year or at such
3 other times as he may deem desirable relative to its activities
4 under this title, together with any appropriate recom-
5 mendations.

6 (e) There shall be transferred from the Department of
7 State to each other executive agency affected by this title
8 such records, property, personnel, obligations, commitments,
9 and unexpended balances of appropriations, allocations, and
10 other funds, available or to be made available, as the Direc-
11 tor of the Bureau of the Budget shall determine to relate to
12 functions of such agency under this title which have here-
13 tofore been administered by the Department of State.

14 TITLE V—GENERAL PROVISIONS

15 APPLICABILITY OF EXISTING PROCEDURES

16 SEC. 501. All policies, procedures, and directives
17 prescribed—

18 (a) by either the Director, Bureau of Federal Sup-
19 ply, or the Secretary of the Treasury and relating to
20 any function transferred to or vested in the Adminis-
21 trator, by the provisions of this Act;

22 (b) by any officer of the Government under the
23 authority of the Surplus Property Act of 1944, as
24 amended, or under other authority with respect to sur-
25 plus property or foreign excess property;

1 (c) by or under the authority of the Federal
2 Works Administrator or the head of any constituent
3 agency of the Federal Works Agency; and

4 (d) by the Archivist of the United States or any
5 other officer or body whose functions are transferred by
6 title I of this Act.

7 in effect upon the effective date of this Act and not incon-
8 sistent therewith, shall remain in full force and effect unless
9 and until superseded, or except as they may be amended,
10 under the authority of this Act or under other appropriate
11 authority.

12 REPEAL AND SAVING PROVISIONS

13 SEC. 502. (a) There are hereby repealed—

14 (1) the Surplus Property Act of 1944, as amended
15 (except sections 13 (g), 13 (h), 28, and 32 (b)
16 (2)), and sections 501 and 502 of Reorganization
17 Plan Numbered 1 of 1947: *Provided*, That, with respect
18 to the disposal under this Act of any surplus real estate,
19 all priorities and preferences provided for in said Act,
20 as amended, shall continue in effect until 12 o'clock noon
21 (eastern standard time), December 31, 1949.

22 (2) that portion of the Act entitled "An Act mak-
23 ing supplemental appropriations for the Executive Office
24 and sundry independent executive bureaus, boards, com-
25 missions, and offices, for the fiscal year ending June

1 30, 1949, and for other purposes", approved June 30,
2 1948 (Public Law 862, Eightieth Congress), as
3 amended, appearing under the caption "Surplus prop-
4 erty disposal";

5 (3) the Act entitled "An Act to authorize the
6 Secretary of War to dispose of material no longer needed
7 by the Army", approved February 28, 1936 (49 Stat.
8 1147; 10 U. S. C. 1258);

9 (4) the Act entitled "An Act to authorize the
10 Secretary of the Navy to dispose of material no longer
11 needed by the Navy", approved May 23, 1930, as
12 amended (46 Stat. 378; 34 U. S. C. 546c);

13 (5) section 5 of the Act of July 11, 1919 (41
14 Stat. 67; 40 U. S. C. 311);

15 (6) the first and second provisos contained in the
16 fifth paragraph under the heading "Division of Sup-
17 ply" in section 1 of the Act of December 20, 1928
18 (45 Stat. 1030; 40 U. S. C. 311a);

19 (7) the Act entitled "An Act to authorize the
20 Secretary of the Army, the Secretary of the Navy, and
21 the Secretary of the Air Force to donate excess and
22 surplus property for educational purposes", approved
23 July 2, 1948 (Public Law 889, Eightieth Congress);

24 (8) section 203 of the Act of June 26, 1943 (57
25 Stat. 195, as amended; 5 U. S. C. 118d-1);

1 (9) the Act of April 15, 1937 (50 Stat. 64; 5
2 U. S. C. 118d) ;

3 (10) the second proviso contained in the para-
4 graph of the Act of August 10, 1912 (37 Stat. 296;
5 5 U. S. C. 545), headed "Contingent expenses, Depart-
6 ment of Agriculture";

7 (11) the second proviso contained in the twentieth
8 paragraph of section 1 of the Act of March 2, 1917
9 (39 Stat. 973; 5 U. S. C. 494) ;

10 (12) the twenty-sixth paragraph under the head-
11 ing "National Parks" of the Act of January 24, 1923
12 (42 Stat. 1215; 16 U. S. C. 9) ;

13 (13) the fifth paragraph under the heading "Ex-
14 periments and demonstrations in livestock production
15 in the cane-sugar and cotton districts of the United
16 States" of the Act of June 30, 1914 (38 Stat. 441; 5
17 U. S. C. 546) ;

18 (14) the proviso contained in the second paragraph
19 under the heading "Library, Department of Agricul-
20 ture" of the Act of March 4, 1915 (38 Stat. 1107;
21 5 U. S. C. 548) ;

22 (15) the second proviso contained in the second
23 paragraph under the heading "Clothing and camp and
24 garrison equipage" of section 1 of the Act of August
25 29, 1916 (39 Stat. 635; 10 U. S. C. 1271) ;

1 (16) the Act of May 11, 1939 (53 Stat. 739;
2 10 U. S. C. 1271a) ;

3 (17) the fifth paragraph under the heading "Office
4 of the Chief Signal Officer" of the Act of May 12, 1917
5 (40 Stat. 43, as amended; 10 U. S. C. 1272) ;

6 (18) the third proviso contained in the second
7 paragraph under the heading "Office of the Chief Signal
8 Officer" of the Act of March 4, 1915 (38 Stat. 1064;
9 10 U. S. C. 1273) ;

10 (19) the fourteenth paragraph under the heading
11 "Smithsonian Institution" of section 1 of the Act of
12 March 3, 1915 (38 Stat. 839; 20 U. S. C. 66) ;

13 (20) the second paragraph under the heading
14 "Government hospital for the insane" of section 1 of
15 the Act of August 1, 1914 (38 Stat. 649; 24 U. S. C.
16 173) ;

17 (21) the second paragraph under the heading
18 "Saint Elizabeths Hospital" of section 1 of the Act of
19 June 12, 1917 (40 Stat. 153; 24 U. S. C. 174) ;

20 (22) the proviso contained in the second para-
21 graph under the heading "Bureau of Supplies and Ac-
22 counts" of the Act of August 22, 1912 (37 Stat. 346;
23 34 U. S. C. 531a) ;

24 (23) the second proviso of the first paragraph

1 under the heading "Bureau of Yards and Docks" of
2 the Act of August 29, 1916 (34 U. S. C. 532) ;

3 (24) the proviso contained in the second paragraph
4 under the heading "Maintenance, Quartermaster's De-
5 partment, Marine Corps" of the Act of March 4, 1917
6 (39 Stat. 1189; 34 U. S. C. 723) ;

7 (25) the twentieth paragraph under the heading
8 "Bureau of Mines" of section 1 of the Act of July 19,
9 1919 (41 Stat. 200; 40 U. S. C. 118) ;

10 (26) the first sentence of section 5 of the Act of
11 March 4, 1915 (38 Stat. 1161; 41 U. S. C. 26) ;

12 (27) the third paragraph under the heading "In-
13 terstate Commerce Commission" of section 1 of the Act
14 of August 1, 1914 (38 Stat. 627; 49 U. S. C. 58) ; and

15 (28) the Act of June 6, 1941 (55 Stat. 247;
16 14 U. S. C. 31b).

17 (b) The provisions of the first, third, and fifth para-
18 graphs of section 1 of Executive Order Numbered 6166 of
19 June 10, 1933, are hereby superseded, insofar as they relate
20 to any function now administered by the Bureau of Federal
21 Supply except functions with respect to standard contract
22 forms.

23 (c) The authority conferred by this Act is in addition
24 to any authority conferred by any other law and shall not

1 be subject to the provisions of any law inconsistent herewith,
2 except that sections 205 (b) and 206 (c) of this Act shall
3 not be applicable to any Government corporation or agency
4 which is subject to the Government Corporation Control Act
5 (59 Stat. 597; 31 U. S. C. 841).

6 (d) Nothing in this Act shall impair or affect any
7 authority of—

8 (1) the President under the Philippine Property
9 Act of 1946 (60 Stat. 418; 22 U. S. C. 1381);

10 (2) any executive agency with respect to any phase
11 (including, but not limited to, procurement, storage,
12 transportation, processing, and disposal) of any pro-
13 gram conducted for purposes of resale, price support,
14 grants to farmers, stabilization, transfer to foreign gov-
15 ernments, or foreign aid, relief, or rehabilitation: *Pro-*
16 *vided*, That the agency carrying out such program shall,
17 to the maximum extent practicable, consistent with the
18 fulfillment of the purposes of the program and the effec-
19 tive and efficient conduct of its business, coordinate its
20 operations with the requirements of this Act and the
21 policies and regulations prescribed pursuant thereto;

22 (3) any executive agency named in the Armed
23 Services Procurement Act of 1947, and the head thereof,
24 with respect to the administration of said Act;

25 (4) the National Military Establishment with re-

1 spect to property required for or located in occupied
2 territories;

3 (5) the Secretary of Defense with respect to the
4 administration of the National Industrial Reserve Act
5 of 1948;

6 (6) the Secretary of Defense, the Munitions Board,
7 and the Secretaries of the Army, Navy, and Air Force
8 with respect to the administration of the Strategic and
9 Critical Materials Stock Piling Act (60 Stat. 596),
10 and provided that any imported materials which the
11 authorized procuring agency shall certify to the Com-
12 missioner of Customs to be strategic and critical ma-
13 terials procured under said Act may be entered, or
14 withdrawn from warehouse; free of duty;

15 (7) the Secretary of State under the Foreign Serv-
16 ice Buildings Act of May 7, 1926, as amended:

17 (8) the Secretary of the Army, the Secretary of
18 the Navy, and the Secretary of the Air Force with
19 respect to the administration of section 1 (b) of the
20 Act entitled "An Act to expedite the strengthening of
21 the national defense", approved July 2, 1940 (54
22 Stat. 712) ;

23 (9) the Secretary of Agriculture or the Depart-
24 ment of Agriculture under (A) the National School
25 Lunch Act (60 Stat. 230) ; (B) the Farmers Home

1 Administration Act of 1946 (60 Stat. 1062); (C) the
2 Act of August 31, 1947, Public Law 298, Eightieth
3 Congress, with respect to the disposal of labor supply
4 centers, and labor homes, labor camps, or facilities; (D)
5 section 32 of the Act of August 24, 1935 (49 Stat.
6 774), as amended, with respect to the exportation and
7 domestic consumption of agricultural products; or (E)
8 section 201 of the Agricultural Adjustment Act of
9 1938 (52 Stat. 36) or section 203 (j) of the Agri-
10 cultural Marketing Act of 1946 (60 Stat. 1082);

11 (10) the Secretary of Agriculture, Farm Credit
12 Administration, or any farm credit board under section
13 6 (b) of the Farm Credit Act of 1937 (50 Stat. 706),
14 with respect to the acquisition or disposal of property;

15 (11) the Housing and Home Finance Agency, or
16 any officer or constituent agency therein, with respect
17 to the disposal of residential property, or of other prop-
18 erty (real or personal) held as part of or acquired for
19 or in connection with residential property, or in connec-
20 tion with the insurance of mortgages, loans, or savings
21 and loan accounts under the National Housing Act;

22 (12) the Tennessee Valley Authority with respect
23 to nonpersonal services, with respect to the matters re-
24 ferred to in section 201 (a) (4), and with respect
25 to any property acquired or to be acquired for or in con-

1 nection with any program of processing, manufacture,
2 production, or force account construction: *Provided*, That
3 the Tennessee Valley Authority shall to the maximum
4 extent that it may deem practicable, consistent with the
5 fulfillment of the purpose of its program and the effective
6 and efficient conduct of its business, coordinate its opera-
7 tions with the requirements of this Act and the policies
8 and regulations prescribed pursuant thereto;

9 (13) the Atomic Energy Commission;

10 (14) the Administrator of Civil Aeronautics or the
11 Chief of the Weather Bureau with respect to the dis-
12 posal of airport property and airway property for use
13 as such property. For the purpose of this paragraph
14 the terms "airport property" and "airway property"
15 shall have the respective meanings ascribed to them in
16 the International Aviation Facilities Act (62 Stat.
17 450) ;

18 (15) the Postmaster General or the Postal Estab-
19 lishment with respect to the means and methods of
20 distribution and transportation of the mails, and con-
21 tracts, negotiations, and proceedings before Federal and
22 State regulatory and rate-making bodies, relating to the
23 transportation of the mails;

24 (16) the United States Maritime Commission with
25 respect to the construction, reconstruction, and recondi-

1 tioning (including outfitting and equipping incident to
2 the foregoing), the acquisition, procurement, operation,
3 maintenance, preservation, sale, lease, or charter of
4 any merchant vessel or of any shipyard, ship site,
5 terminal, pier, dock, warehouse, or other installation
6 necessary or appropriate for the carrying out of any
7 program of such Commission authorized by law, or
8 nonadministrative activities incidental thereto: *Pro-*
9 *vided*, That the United States Maritime Commission
10 shall to the maximum extent that it may deem prac-
11 ticable, consistent with the fulfillment of the purposes
12 of such programs and the effective and efficient con-
13 duct of such activities, coordinate its operations with
14 the requirements of this Act, and the policies and regu-
15 lations prescribed pursuant thereto;

16 (17) Central Intelligence Agency;

17 (18) except as provided in subsections (a)
18 and (b) hereof, any other law relating to the procure-
19 ment, utilization, or disposal of property: *Provided*,
20 That, subject to, and within the scope of authority con-
21 ferred on the Administrator by other provisions of this
22 Act, he is authorized to prescribe regulations to govern
23 any procurement, utilization, or disposal of property
24 under any such law, whenever but only to the extent he

1 deems such action necessary to effectuate the provisions
2 of title II; nor

3 (19) for such period of time as the President
4 may specify, any other authority of any executive agency
5 which the President determines within one year after
6 the effective date of this Act should, in the public
7 interest, stand unimpaired by this Act.

8 AUTHORIZATION FOR APPROPRIATIONS AND TRANSFER

9 AUTHORITY

10 SEC. 503. (a) There are hereby authorized to be ap-
11 propriated such sums as may be necessary to carry out the
12 provisions of this Act.

13 (b) When authorized by the Director of the Bureau
14 of the Budget, any Federal agency may use, for the dis-
15 position of property under this Act, and for its care and
16 handling pending such disposition, any funds heretofore or
17 hereafter appropriated, allocated, or available to it for pur-
18 poses similar to those provided for in sections 201, 202,
19 203, and 205 of this Act.

20 SEPARABILITY

21 SEC. 504. If any provision of this Act, or the applica-
22 tion thereof to any person or circumstances, is held invalid,
23 the remainder of this Act, and the application of such pro-

66

1 vision to other persons or circumstances, shall not be affected
2 thereby.

3 EFFECTIVE DATE

4 SEC. 505. This Act shall become effective on July 1,
5 1949, except that (1) the provisions of section 502 (a)
6 (2) shall become effective on June 30, 1949; (2) the
7 provisions of section 201 (e) shall become effective on
8 July 1, 1950.

Passed the House of Representatives June 8, 1949.

Attest:

RALPH R. ROBERTS,

Clerk.

Calendar No. 474

81ST CONGRESS
1ST SESSION

H. R. 4754

AN ACT

To simplify the procurement, utilization, and disposal of Government property, to reorganize certain agencies of the Government, and for other purposes.

JUNE 9 (legislative day, JUNE 2), 1949
Read twice and ordered to be placed on the calendar